

BEFORE THE BOARD OF PHYSICAL THERAPY EXAMINERS  
DEPARTMENT OF LABOR AND INDUSTRY  
STATE OF MONTANA

In the matter of the proposed ) NOTICE OF  
amendment of ARM 8.42.404, ) PROPOSED AMENDMENT  
8.42.405, 8.42.406, 8.42.409, )  
8.42.410, and 8.42.416 )  
pertaining to temporary, out- )  
of-state and renewal licenses, ) NO PUBLIC HEARING  
foreign-trained applicants ) CONTEMPLATED  
and continuing education )

TO: All Concerned Persons

1. On September 9, 2003, the Board of Physical Therapy Examiners (Board) proposes to amend the above-stated rules.

2. The Department of Labor and Industry will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process or need an alternative, accessible format of this notice. If you require an accommodation, contact the Board of Physical Therapy Examiners no later than 5:00 p.m., June 20, 2003, to advise us of the nature of the accommodation that you need. Please contact Mary Hainlin, Board of Physical Therapy Examiners, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2369; Montana Relay 1-800-253-4091; TDD (406) 444-2978; facsimile (406) 841-2305; e-mail dlibsdp@state.mt.us.

3. The rules as proposed to be amended provide as follows, stricken matter interlined, new matter underlined:

8.42.404 RENEWAL OF LICENSE (1) As provided by 37-11-308, MCA, all licenses must be renewed on or before the renewal date set by ARM 8.2.208. ~~A grace period of six months after the renewal deadline will automatically be extended and late renewals will be accepted upon payment of the renewal fee and the late renewal fee. Any requests for renewal made after the six months grace period will be determined on a case by case basis after review by the board.~~

(2) and (3) remain the same.

AUTH: 37-1-131, 37-11-201, 37-11-308, MCA  
IMP: 37-11-308, MCA

REASON: There is reasonable necessity to eliminate the grace period following the mandatory renewal date because the grace period contradicts the intent of the rule, which is to set a date certain for renewal. The Board identified the inconsistency during its biennial review of its rules.

8.42.405 TEMPORARY LICENSES (1) remains the same.

(2) Physical therapist or physical therapist assistant applicants for licensure by examination may be issued a temporary license. The temporary license shall identify the licensed physical therapist who shall be responsible for providing direct supervision. After issuance of the temporary license, the applicant must ~~schedule~~ take his/her examination within 120 days of the issuance date. The temporary license shall be valid until the board makes its final determination on licensure, but may be extended at the board's discretion. Only one temporary license will be issued per applicant.

(3) remains the same.

AUTH: 37-1-305, 37-11-201, MCA

IMP: 37-11-309, MCA

REASON: There is reasonable necessity that the Board clarify that the examination must be taken within 120 days of issuance of a temporary license. The Board identified the ambiguity during its biennial review of its rules.

8.24.406 LICENSURE OF OUT-OF-STATE APPLICANTS (1) Each applicant applying for licensure who holds a current license in another state must have taken the NPTE or NPTAE or the national registry exam in another state to be considered for licensure. All NPTE or NPTAE scores must be reported directly to the board office through the interstate reporting service. ~~All national registry exam scores must be substantiated by the records of the American Congress of Physical Medicine, 80 North Michigan Avenue, Chicago, Illinois 60602. If the applicant supplies the board with results from the NPTE or NPTAE, such results shall be equal to or higher than a scaled score of 600 in order for the individual to be licensed. The overall score of those applicants that have taken only the national registry exam, must be in accordance with the pass or fail grades as mandated by the registry.~~

(2) through (4) remain the same.

AUTH: 37-1-304, 37-11-201, MCA

IMP: 37-1-304, 37-11-307, MCA

REASON: There is reasonable necessity for the Board to amend this rule to eliminate obsolete and now invalid standards and requirements. The Board identified the issue during its biennial review of its rules.

8.42.409 EXEMPTIONS (1) remains the same.

(2) The board, therefore, finds it necessary to define periodic checks, supervision and direct supervision to mean on-site guidance by a licensed physical therapist who is responsible for and participates in a patient's care. Supervision of an assistant that requires on-site visits means that the physical therapist shall meet with the client personally at least once every six visits or once every two weeks, whichever occurs first.

(3) Components of tests and measurements of bodily functions and structures administered by a licensed physical therapist may be delegated to a licensed physical therapist assistant.

AUTH: ~~37-11-101~~ 37-1-131 and 37-11-201, MCA  
IMP: 37-11-105, MCA

REASON: The Board finds there is reasonable necessity to amend the rule to clarify the definition of supervision and to clarify it is permissible to delegate certain tests and measurements to licensed physical therapist assistants. The Board identified the issues during its biennial review of its rules.

8.42.410 FOREIGN-TRAINED PHYSICAL THERAPIST APPLICANTS

(1) Foreign-trained physical therapist applicants shall be subject to the following requirements:

(a) compliance with educational standards equivalent to the national standards of the commission on accreditation of physical therapy education of the American physical therapy association by using an evaluation of educational background performed by the ~~any of the following evaluation services:~~

~~International Education Research Foundation, Inc.  
Credentials Evaluation Services  
P.O. Box 24679  
Los Angeles, CA 90024~~

~~Foreign Credentialing Commission of Physical Therapy, Inc.  
(FCCPT),  
P.O. Box 258227,  
Alexandria, VA 22313-9998.~~

~~Educational Credential Evaluators (ECE)  
P.O. Box 514070  
Milwaukee, WI 53203-3470~~

~~University of Texas  
Graduate & International Admission Center  
2608 Whites  
Austin, TX 78713~~

(b) through (g) remain the same.  
(i) remains the same, but is renumbered (h).  
(2) remains the same.

AUTH: 37-1-131, 37-11-201, MCA  
IMP: 37-11-310, MCA

REASON: The Board finds there is reasonable necessity to amend the rule to eliminate the names of evaluation services that are no longer providing the service required by the rule. The Board identified the issue during its biennial review of its rules.

8.42.416 CONTINUING EDUCATION (1) and (2) remain the same.

(3) The continuing education program must meet the following criteria:

(a) the activity must have significant intellectual or practical content. The activity must deal primarily with substantive physical therapy issues as contained in the physical therapy definition in Montana. In addition, the board may accept continuing education activities from other professional groups or academic disciplines if the licensee demonstrates that the activity is substantially related to his or her role as a physical therapist or physical therapist assistant. A continuing education program is defined as a class, institute, lecture, conference, workshop, cassette or videotape, correspondence course or peer-reviewed publication of a journal article(s), textbook(s), or online course;

(b) and (c) remain the same.

(d) excluded are programs that promote a company, individual or product ~~(hosted programs are not approved)~~, and programs whose subject is practice economics, except those programs specifically dealing with workers' compensation or public health, medicare and insurance coverage issues;

(e) remains the same.

(4) Implementation for continuing education shall be as follows:

(a) one continuing education credit shall be granted for each hour of participation in lab or lecture of the continuing education activity, excluding breaks and meals. ~~Continuing education activities and courses taken after October 1, 1995, will be accepted by the board for the initial reporting period.~~ A maximum of two credits by cassette or videotape and a maximum of four credits from online or correspondence courses ~~continuing education~~ will be allowed. A maximum of 10 credits is allowed per reporting period for peer-reviewed publication of a journal article(s), textbook(s) and publication(s).

(i) and (ii) remain the same.

(b) through (e) remain the same.

(f) from the continuing education reports submitted each biennium, the board will randomly audit 5% of the reports ~~and request certificates of completion for continuing education credits reported.~~

AUTH: 37-1-306, MCA

IMP: 37-11-201, MCA

REASON: The Board finds there is reasonable necessity to clarify the variety of continuing education formats, the subject matter of continuing education and the number of hours that may be allocated to publishing endeavors. The Board identified the issues during its biennial review of its rules.

4. Concerned persons may submit their data, views or arguments concerning the proposed amendments in writing to the Board of Physical Therapy Examiners, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406)

841-2305, or by e-mail to [dlibsdp@state.mt.us](mailto:dlibsdp@state.mt.us), and must be received no later than 5:00 p.m., June 30, 2003.

5. If persons who are directly affected by the proposed amendments wish to express their data, views and arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments they have to Mary Hainlin, Board of Physical Therapy Examiners, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or by e-mail to [dlibsdp@state.mt.us](mailto:dlibsdp@state.mt.us). A written request for hearing must be received no later than 5:00 p.m., June 30, 2003.

6. If the board receives requests for a public hearing on the proposed amendments from either 10% or 25, whichever is less, of the persons who are directly affected by the proposed amendments; from the appropriate administrative rule review committee of the legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those persons directly affected has been determined to be 92 persons based on approximately 922 licensees.

7. The Board of Physical Therapy Examiners maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this Board. Persons who wish to have their name added to the list shall make a written request which includes the name and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding all Board of Physical Therapy Examiners administrative rulemaking proceedings or other administrative proceedings. Such written request may be mailed or delivered to the Board of Physical Therapy Examiners, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, faxed to the office at (406) 841-2305, e-mailed to [dlibsdp@state.mt.us](mailto:dlibsdp@state.mt.us), or may be made by completing a request form at any rules hearing held by the agency.

8. The Board of Physical Therapy Examiners will meet in its offices on the fourth floor, 301 South Park Avenue, Helena, Montana on September 9, 2003, to consider the comments made by the public, the proposed responses to those comments, and take final action on the proposed amendments. Members of the public are welcome to attend the meeting and listen to the Board's deliberations.

9. An electronic copy of this Notice of Public Hearing is available through the Department and Board's site on the World Wide Web at <http://www.discoveringmontana.com/dli/ptp>, in the Rules Notices section. The Department strives to make the electronic copy of this Notice of Public Hearing conform to the official version of the Notice, as printed in the Montana

Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the Notice and the electronic version of the Notice, only the official printed text will be considered. In addition, although the Department strives to keep its website accessible at all times, concerned persons should be aware that the website may be unavailable during some periods, due to system maintenance or technical problems, and that a person's technical difficulties in accessing or posting to the e-mail address does not excuse late submission of comments.

10. The bill sponsor notice requirements of 2-4-302, MCA, do not apply.

BOARD OF PHYSICAL THERAPY  
EXAMINERS  
Jeffery A. Swift, PT, PRESIDENT

/s/ WENDY J. KEATING  
Wendy J. Keating, Commissioner  
DEPARTMENT OF LABOR & INDUSTRY

/s/ MARK CADWALLADER  
Mark Cadwallader  
Alternate Rule Reviewer

Certified to the Secretary of State May 12, 2003.